

Virginia Board of Education Resolution
Testing Policies in Effect for the 2002-03 Academic Year

Whereas, the Virginia Board of Education established policies for the administration of Standards of Learning (SOL) tests in its 1997 amendments to the Standards of Accreditation, which amendments included provisions related to the participation of children with disabilities and children with limited or no English proficiency in the SOL testing program; and

Whereas, local school divisions have followed these testing policies since the beginning of Standards of Learning testing in the 1997-98 academic year; and

Whereas, on November 26, 2002, several months after schools in Virginia had begun their 2002-03 academic year and after fall SOL testing had begun in many local school divisions, USED issued final regulations implementing the *No Child Left Behind Act of 2001*; and

Whereas, on January 28, 2003, the Board approved its Consolidated Application Accountability Workbook under the *No Child Left Behind Act of 2001*, which represented Virginia's most detailed implementation plan for the law, and submitted it to USED before the January 31, 2003 deadline; and

Whereas, on February 24, 2003, President Mark Christie, Superintendent of Public Instruction Jo Lynne DeMary, Deputy Secretary of Education Sarah Finley, and key Virginia Department of Education officials met with the USED peer review panel to answer questions and present evidence in support of the Board's January 28, 2003, accountability workbook; and

Whereas, on March 5, 2003, the Virginia Department of Education received a letter from USED that explained the peer review process and stated that USED would respond in writing to the state education agency (the Board) within four weeks of the February 24 meeting; and

Whereas, on March 20, 2003, the USED issued a notice of proposed rulemaking and solicited public comment by May 19, 2003, on proposed additional amendments to the final *No Child Left Behind Act of 2001* regulations that relate to testing policies for students with the most significant cognitive disabilities; and

Whereas, on April 3, 2003, the USED issued further guidance on completing the Consolidated State Application submission that is due May 1, 2003; and

Whereas, on April 18, 2003, President Mark Christie received a letter from USED Undersecretary Eugene Hickok, nearly three months after Virginia filed its consolidated workbook and more than seven weeks after the peer review meeting, which cited issues that must be resolved or clarified before approval of Virginia's plan can be granted; and

Whereas, based on Undersecretary Hickok's letter, several issues which represent major changes to Virginia's SOL testing policies in effect since 1997 continue to be the subject of discussion between USED and Virginia; and

Whereas, spring SOL testing for the current academic year has already begun, with schools throughout Virginia following testing policies for student participation contained in the Standards of Accreditation since 1997; and

Whereas, with fall 2002 SOL testing already complete and spring 2003 SOL testing already underway, it would be impractical and extremely disruptive to change SOL testing policies at this point, especially before the extent of required policy changes have even been resolved through the Board's discussions with USED;

Now therefore, be it resolved, that the student participation requirements for the spring 2003 Standards of Learning test administration will be governed by the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131-10 *et seq.*).

Adopted in Richmond This 29th Day of April in the Year 2003.
Mark C. Christie, President, Virginia Board of Education